

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES A. WRIGHT, <i>et al</i>,	:	
	:	
Plaintiffs,	:	CASE NO: 2:13-cv-021
	:	
v.	:	JUDGE: Sargus
	:	
GM Mechanical, Inc.,	:	MAGISTRATE: Kemp
	:	
Defendant.	:	


**ORDER FOR ENTRY OF STIPULATION
AND CONSENT JUDGMENT**

This matter is before the Court upon the representation that Plaintiffs James A. Wright, *et al.*, and Defendant GM Mechanical, Inc. herein have agreed to resolve this matter without trial by entry of a Stipulation and Consent Judgment. As of January 9, 2013, Defendant was delinquent by \$56,298.00 in fringe benefit contributions for the period of March 2012 through September 30, 2012 of which \$21,416.00 remain outstanding. Defendant is also delinquent for an assessment of \$30,442.00 in interest and \$32,911.00 in liquidated damages related to current and prior fringe benefit contribution delinquencies. The total amount due and owing by Defendant as of this date is \$84,769.00.

These delinquencies violate: the terms of the Health & Welfare Trust Agreement, the Pension Trust Agreement, the Retirement Savings Plan Trust Agreement, the Apprenticeship Trust Agreement (the "Trust Agreements"); the Collective Bargaining Agreement between the Mechanical Contractors Association of Central Ohio Inc. and the United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and

Canada Local No. 189 (the "Collective Bargaining Agreement"); and federal law. Upon consideration of the foregoing, the Court finds Plaintiffs, James A. Wright, *et al.*, are entitled to judgment against Defendant for fringe benefit contribution delinquencies for the period from March 1, 2012 to September 30, 2012 in the amount of \$21,416.00; interest in the amount of \$30,422.00 pursuant to the Trust Agreements, the Collective Bargaining Agreement, and federal law, which shall continue to accumulate post judgment at 20% per annum based on the unpaid contributions, calculated to be \$11.74 per day thereafter for so long as the contributions remains unpaid; liquidated damages in the amount of \$32,911 pursuant to the Trust Agreements, the Collective Bargaining Agreement, and federal law; and costs of \$6,300.00 of attorneys' fees pursuant to 29 U.S.C. §1132(g)(2)(D).

IT IS SO ORDERED.

 3-20-2014
UNITED STATES DISTRICT JUDGE

Submitted by:

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